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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/003,812	01/07/1998	SATOSHI BAN	041-1987	9498

7590

12/21/2001

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EXAMINER

GRIER, LAURA A

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 12/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/003,812

Applicant(s)

BAN ET AL.

Examiner

Laura A Grier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 1,4,6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Slater.

Regarding **claim 2**, Young, III discloses an integrated sound/telephone headset system. Young, III disclosure teaches dual communication between an audio source and telephone using earphones and/or headset. (Figures 1-3 and abstract). Young's disclosure inherently teaches the connection of a first plug and a second plug connectable between an audio device and portable communication device, respectively (figures 1-3 and col. 2, line 2, lines 45-49); a speaker (44) which is indicative of a electroacoustical transducer connected to the first and second plug. Further, Young, III provides teachings of the control box as means for generating a detection signal of the telephone, and for disconnecting the first plug and connecting the first plug (col. 4, lines 39-41, 64-67, and col. 5, lines 1-7). However, Young's system function based upon a physical manipulation of the microphone and/or the hand receiver of the telephone for the disconnection between the two devices.

Slater teaches the use of headsets in the environment use of voice activation circuits (VOX), wherein the detection of the presence of a voice or radio audio signal, the level of the entertainment input is adjusted (e.g. muting) accordingly upon the (abstract and col. 6, lines 57-68 and col. 7, lines 1-7).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Young by incorporating signal activation means for the purpose have a system of versatile function and use convenience.

Regarding **claim 5**, Young and Slater discloses everything claimed as applied above (see claim 2). Further, Young, III inherently discloses a microphone and a switch all in relation to the function of the control box (col. 3, lines 52-53).

3. **Claim 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Slater.

Regarding **claim 8**, Young, III discloses an integrated sound/telephone headset system. Young, III disclosure teaches dual communication between an audio source and telephone using earphones and/or headset. (Figures 1-3 and abstract). Young's disclosure inherently teaches the connection of a first plug and a second plug connectable between an audio device and portable communication device, respectively (figures 1-3 and col. 2, line 2, lines 45-49); a speaker (44) which is indicative of a electroacoustical transducer connected to the first and second plug. Further, Young, III provides teachings of the control box as means for generating a detection signal of the

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telephone, and for disconnecting the first plug and connecting the first plug (col. 4, lines 39-41, 64-67, and col. 5, lines 1-7). However, Young's system function based upon a physical manipulation of the microphone and/or the hand receiver of the telephone for the disconnection between the two devices.

Slater teaches the use of headsets in the environment use of voice activation circuits (VOX), wherein the detection of the presence of a voice or radio audio signal, the level of the entertainment input is adjusted (e.g. muting) accordingly upon the (abstract and col. 6, lines 57-68 and col. 7, lines 1-7), indicative of automatic switching between the two devices.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Young by incorporating VOX signal activation means for the purpose have a system of versatile function and use convenience, with automatic and manual capabilities.

Regarding **claim 10**, Young and Slater discloses everything claimed as applied above (see claim 8). Further, Young, III inherently discloses a microphone and a switch all in relation to the function of the control box (col. 3, lines 52-53).

4. **Claims 3 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young, III in view of Slater.

Regarding **claim 3**, Young, III discloses everything as applied above (see claim 2). However, Young, III fails to specifically disclose means of regulating/controlling the signals at predetermined reference levels. The examiner maintains that the means of

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regulating/controlling signals for predetermined reference levels was well known in the art, as taught by Slater.

Regarding the predetermined reference levels, in a similar field of endeavor, Slater discloses an intercom apparatus for integrating disparate audio sources for use in light aircraft or similar high noise environments. Slater disclosure teaches means for regulating the signal level at predetermined stages (columns 10, lines 44-56).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Young, III by providing means of regulating the signal level at predetermined levels for the purpose of effectively and cautiously controlling the operation and function of the devices during different phase of operation when the portable communication device is in use.

However, the modifications of Slater, are manually operated for the claimed limitations. Automatic switching means are well known in the art. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Young and Slater by implement means for indicative priority switching for a system of user convenience, with automatic capabilities.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

The applicant essential argue the prior art fails to specifically disclose the automatic switching functionality of the invention. The examiner has provided support

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of the automatic function in Slater that constitutes automatic switching capabilities that is support in 197 USPQ, page 342, 94. Patentability – Divided and Integral Parts (51.35) that states, “There can be no invention in merely providing means to selectively alternate between elements and another unpatentable configuration of old elements, where there is no new or different function.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG

December 16, 2001


FEDERAL BUREAU OF INVESTIGATION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700